Webinar Topics

- Federal OSHA I2P2 Proposed Rule
- Workplace Health & Safety Program Elements
- Workplace Health & Safety Program Benefits
- Workplace Health & Safety Program Burdens
- MIOSHA / OSHA Cooperative Programs

What type of Business are you in?

- Manufacturing
- Construction
- Retail
- Educational
- Service Industry
How many Employees in Your Business?

- 10 or less
- 50 or less
- 100 or less
- 250 or less
- Greater than 250

Are you the person primarily responsible for Safety & Health at your business?

- Yes
- No

Two Forklifts are better than one
The Flying Walendas Electric Co.

Yes, that is a barefoot worker on a metal ladder in a swimming pool using an electric drill. But, in his defense, he does have his safety glasses on.

How many workers does it take to change a light bulb?

“It's OK. I got it”

“OK, I'll stand back over here.”
Employer Responsibility

- Could your Company’s employees conceivably do anything like this?
- Never say never.
- Who would be responsible if employees engaged in this kind of conduct?

Michigan Occupational Safety & Health Act (Act 154 of 1974)

- MCL 408.1033(6) A citation for an alleged violation of this act, an order issued pursuant to this act, or a rule or standard promulgated pursuant to this act shall be vacated if it is shown that the employer has provided the equipment or training, educated employees regarding use of the equipment or implementation of the training, and taken reasonable steps including, where appropriate, disciplinary action to assure that employees utilize the equipment and comply with the training as referenced in this section.

Employer Workplace Health & Safety Programs: Employer’s Best Friend or Worst Enemy

- Depending on an employer’s Safety and Health Program it can either:
  - Help make an employer’s workplace more safe, profitable and provide an employer with protection from liability for unsafe employee acts or
  - Provide the basis to impose liability on an employer and cause other significant negative consequences.
Federal OSHA “I2P2” Proposed Standard

- I2P2 - *Not* a Star Wars droid.
- I2P2 = *Injury & Illness Prevention Program*
- Employers responsible for identifying & correcting safety potential hazards in their workplace – “find & fix.”

I2P2 Issues

- Enforcement
  - I2P2 requires an employer to find & fix all potential workplace hazards, even ones for which OSHA has no specific Standard or requirement.
  - If an employer misses a potential hazard in their workplace, OSHA can allege that the employer performed an “inadequate” I2P2 assessment & failed to provide a safe & healthful workplace.
  - Employer duty to provide a safe & healthful workplace free of “recognized hazards.”
  - Employer knew or reasonably should have known.
  - “Strict Liability”

Workplace Health & Safety Program – *Basic Elements*

- Management Commitment & Planning
- Employee Involvement
- Worksite Analysis
- Hazard Prevention & Control
- Safety & Health Training
Does your business currently have a Safety & Health Program with the five main elements?

- Yes
- No

Webinar Handouts

- Sample Safety & Health Program
- MIOSHA Safety & Health Management Program Evaluation Checklist

Workplace Health & Safety Program – Benefits

- Lower Workers’ Comp Costs
- Increased productivity efficiency & product quality
- Increased employee morale and well being
- Reduced lost work days
- Compliance with Standards & Regulations
- Reduction or elimination of property damage from accidents
- Reduced business interruption costs
- Reduced impact on the environment from incidents/accidents
- Favorable Public Reputation - (No “shaming”)
Workplace Accident Costs

- Direct Costs
  - Payments to Workers
  - Workers' Comp. Costs
  - Medical Expenses
  - Legal Costs

- Indirect Costs
  - Replacement Workers
  - Damaged Property
  - Accident Investigation
  - Corrective Action
  - Delays/lost productivity
  - Increased Absenteeism
Workplace Accident Costs

- Average Cost of Worker Injury with NO lost-time costs = $7,000.00
- Additional Company Sales to Pay for Accident:
  - Assuming a 3% Profit Margin
  - **$233,000.00** in additional sales to pay for a workplace accident costing $7,000.00

Douglas W. Crum

Has your business been subject to a MIOSHA Inspection?

- Yes
- No

Workplace Health & Safety Program – *Burdens*

- Employers must follow their Safety & Health Programs requirements
  - Costs $$$
  - Not just a notebook on the shelf
- Provides MIOSHA with greater enforcement leverage
  - Used against employer to show knowledge of hazards
Safety & Health must be Managed

- Like other aspects of a business – production, quality, sales & marketing, etc. – Safety & Health must also be managed.
  - Not just a regulatory distraction
  - Safety & Health takes effort and resources.
  - If properly managed Safety & Heath can have a positive effect on a Company’s bottomline.

Negative Consequences of Failing to Manage Workplace Safety & Health

- Continuing and Increased OSHA Inspections and Citations Civil Lawsuits by Employees and Third Parties
- Increased Costs to a Business from Workplace Injuries
- Diminished Reputation with Customers/Disqualification
- Damage to Company’s Public Image/Bad Public Relations
- Damage to Employer/Employee Relationship - Lower Productivity
- Criminal Prosecution of the Company and its Managers

MIOSHA / OSHA Cooperative Programs

- VPP – Voluntary Protection Program
- Michigan Star Partnership
- Michigan Rising Star Partnership
- Michigan Challenge Program
MIOSHA Cooperative Program

Benefits
- Help in Developing & Implementing a Workplace Safety & Health Program
- Recognition by MIOSHA as a leader in Workplace Safety & Health
- Reduced Programmed Inspection
  - Still have Complaint Inspections
  - Still have Accident Inspections

MIOSHA Cooperative Program

Burdens
- Know your Company’s capabilities.
- Can your Company commit the time effort & resources necessary to meet the requirements of the cooperative program?
- Identifying problems and failing to correct them because of a lack of resources puts an employer in a bad situation – “Willful”/Intentional violation.

What can be done now?
- MIOSHA Self Inspection Checklist
Summary

- Every business should have some Safety & Health Program.
  - While following basic guidelines, it should be customized for the employer’s specific needs
- While the effort needed for a good Safety & Health Program are not small the benefits substantially outweigh burdens.

Questions & Answers

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